

OCT 14 2008

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

LARRY SANDERS, JR. : DOCKET NO. 2:08-cv-663
VS. : JUDGE TRIMBLE
DANNY HERMAN TRUCKING, INC. : MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

Currently before this Court is a Motion to Remand filed by plaintiff Larry Sanders. Doc. 6. Plaintiff bases the Motion to Remand on an affidavit stipulating that the matter in controversy does not exceed the sum of \$75,000.00 as required by 28 U.S.C. § 1332. Docs. 6-1, 6-2. Based on plaintiff's stipulation that the damages are below \$75,000.00, defendants do not oppose plaintiff's Motion. Doc. 8.

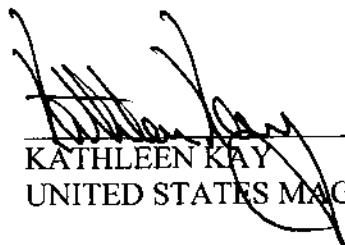
Accordingly, the undersigned recommends that this matter be remanded to the 31st Judicial District Court for the Parish of Jefferson Davis, State of Louisiana for further proceedings.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS
AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10)
BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED**

**PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN
ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL
CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on October 14,
2008.


KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE